

FILED**2022 FEB 4 AM 11:19****CLERK****U.S. DISTRICT COURT**

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF UTAH

JESSICA G.,

Plaintiff,

v.

KILO KIJAKAZI, Commissioner of Social Security Administration,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

Case No. 2:20-cv-00500-JNP-CMR

District Judge Jill N. Parrish
Magistrate Judge Cecilia M. Romero

On January 5, 2022, Magistrate Judge Cecilia M. Romero issued a Report and Recommendation that this court reverse the final agency determination by the Commissioner of the Social Security Administration (“the Commissioner”) denying plaintiff Jessica G.’s application for disability insurance benefits and remand the case for further proceedings. The Report and Recommendation advised the parties that a failure to object within fourteen days of service could result in a waiver of objections upon review by this court. No party filed an objection within the fourteen-day time limit.

The defendant’s failure to object waived any argument that the Report and Recommendation was in error. *See United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1060 (10th Cir. 1996). However, the court need not apply the waiver rule as a procedural bar if “the interests of justice so dictate.” *Id.* (quoting *Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991)). The court has reviewed the Report and Recommendation and its conclusion that the Commissioner’s decision should be reversed. The court concludes that the Report and Recommendation is not clearly erroneous and finds that the interests of justice do not warrant

deviation from the waiver rule. The court, therefore, ADOPTS IN FULL the Report and Recommendation.

Accordingly, the court ORDERS as follows:

1. The Report and Recommendation, ECF No. 36, is ADOPTED IN FULL.
2. The court REVERSES the Commissioner's determination in Jessica G.'s case. The court REMANDS the case for further proceedings consistent with the Report and Recommendation.

DATED February 4, 2022.

BY THE COURT:



JILL N. PARRISH
United States District Judge